



11-06-03 image

1632/\$

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PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

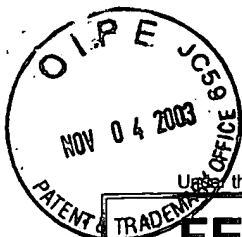
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/090,983
		Filing Date	March 4, 2002
		First Named Inventor	MANNING JR., WILLIAM C.
		Group Art Unit	1632
		Examiner Name	BERTOGLIO, VALARIE E.
Total Number of Pages in This Submission	7	Attorney Docket Number	BERK-010DIV
ENCLOSURES (check all that apply)			
<input checked="" type="checkbox"/> Fee Transmittal Form in duplicate <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) Notice of References Cited (1pg.) Postcard	
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement SB08A (2pg.) <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Signing Attorney/Agent (Reg. No.)	EDWARD J. BABA, 52,581 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	November 4, 2003		
EXPRESS MAIL LABEL NO. EV 333 998 653US			

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** 180.00**Complete if Known**

Application Number	10/090,983
Filing Date	March 4, 2002
First Named Inventor	MANNING JR., WILLIAM C.
Examiner Name	BERTOGLIO, VALARIE E.
Art Unit	1632
Attorney Docket No.	BERK-010DIV

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
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Name

50-0815

Bozicevic, Field & Francis LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1001 770	2001 385	Utility filing fee
1002 340	2002 170	Design filing fee
1003 530	2003 265	Plant filing fee
1004 770	2004 385	Reissue filing fee
1005 160	2005 80	Provisional filing fee

SUBTOTAL (1)**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	x	=
Indep. Claims	-3** =	x	=
Multiple Dependent			=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

**or number previously paid, if greater; For Reissues, see above.

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
1053 130	1053 130	Non-English specification
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination
1804 920*	1804 920*	Requesting publication of SIR prior to Examination action
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action
1251 110	2251 55	Extension for reply within first month
1252 420	2252 210	Extension for reply within second month
1253 950	2253 475	Extension for reply within third month
1254 1,480	2254 740	Extension for reply within fourth month
1255 2,010	2255 1,005	Extension for reply within fifth month
1401 330	2401 165	Notice of Appeal
1402 330	2402 165	Filing a brief in support of an appeal
1403 290	2403 145	Request for oral hearing
1451 1,510	1451 1,510	Petition to institute a public use proceeding
1452 110	2452 55	Petition to revive - unavoidable
1453 1,330	2453 665	Petition to revive - unintentional
1501 1,330	2501 665	Utility issue fee (or reissue)
1502 480	2502 240	Design issue fee
1503 640	2503 320	Plant issue fee
1406 130	1460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)
1806 180	1806 180	Submission of Information Disclosure Stmt
8021 40	8021 40	Recording each patent assignment per property (times number of properties)
1809 770	2809 385	Filing a submission after final rejection (37 CFR § 1.129(a))
1810 770	2810 385	For each additional invention to be examined (37 CFR § 1.129(b))
1801 770	2801 385	Request for Continued Examination (RCE)
1802 900	1802 900	Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

180.00

180.00

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Edward J. Baba	Registration No. (Attorney/Agent)	52,581	Telephone	(650) 833-7731
Signature		Date	11/04/03		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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INFORMATION
DISCLOSURE STATEMENT

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket	BERK-010DIV
First Named Inventor	MANNING JR., WILLIAM C.
Application Number	10/090,983
Confirmation No.	7567
Filing Date	March 4, 2002
Group Art Unit	1632
Examiner Name	BERTOGLIO, VALARIE E.
Title:	"USE OF RECOMBINANT GENE DELIVERY VECTORS FOR TREATING OR PREVENTING DISEASES OF THE EYE"

Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. A Form PTO-SB/08A listing the references and copies of the cited references accompany this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

All of the references identified herein were disclosed in parent application serial number 09/665,493, filed 9/20/2000 and as such, copies thereof are not included pursuant to the provisions of 37 CFR § 1.98(d).

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one of the above references constitutes prior art to the present application within the meaning of 35 U.S.C. § 102.

As applicants have not yet received a first Action on the merits, no fee is believed to be required for filing this Disclosure Statement. If, however, the PTO finds that for some reason a fee is due, our Deposit Account No. 50-0815, Order No. BERK-010DIV may be charged thereon.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 11/4/2003

By: 

Edward J. Baba
Registration No. 52,581

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

11/10/2003 HAMHED1 00000039 500815 10090983

01 FC:1806 180.00 DA

**Notice of References Cited**

Application/Control No.

09/525,956

Applicant(s)/Patent Under
Reexamination
MANNING ET AL.

Examiner

Thaia N. Ton

Art Unit

1632

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-5,814,618	09-1998	Bujard et. al.	514	44
	B	US-				
	C	US-				
	D	US-				
	E	US-				
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

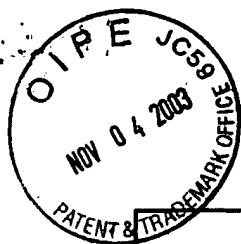
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification	
	N						
	O						
	P						
	Q						
	R						
	S						
	T						

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Romano et. al.; Gene Transfer Technology in Therapy: Current Applications and Future Goals, 1999, Stem Cells 17: 191-202.
	V	Ali et.al.; Gene Therapy for inherited retinal degeneration, 1997, Br. J. Ophthalmol 81: 795-801.
	W	Eck et.al.; Gene-Based Therapy, 1996, PHARMACOLOGICAL BASIS OF THERAPEUTICS: 77-101.
	X	Kendall et.al.; Inhibition of vascular endothelial cell growth factor activity by an endogenously encoded soluble receptor, 1993, Proc. Natl. Acad. Sci. Vol.99: 10705-10709.

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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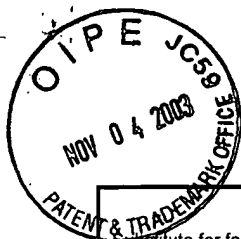
Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known		
			Application Number	10/090,983	
			Filing Date	March 4, 2002	
			First Named Inventor	MANNING JR., WILLIAM C.	
			Group-Art Unit	1632	
			Examiner Name	BERTOGLIO, VALARIE E.	
Sheet	2	of	2	Attorney Docket Number	BERK-010DIV

OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		CAYOQUETTE M et al. "Adenovirus-Mediated Gene Transfer of Ciliary Neurotrophic Factor Can Prevent Photoreceptor Degeneration in the Retinal Degeneration Mouse", Human Gene Therapy Vol. 8, No. 4, March 1, 1997 pages 423-430	
		AKIMOTO et al. "Adenovirally Expressed Basic Fibroblast Growth Factor Rescues Photoreceptor Cells in RCS Rats", IOVS, Vol. 40, February 1999, pages 273-279	
		PETERSON et al. "Enhanced Survival of Photoreceptors in p23h Mutant Rhodopsin Transgenic Rats by Adeno-Associated Virus (AAV)-Mediated Delivery of Neurotrophic Genes", Vol. 39, March 15, 1998, page S1117	
		LUTHERT et al. "Photoreceptor Rescue" Eye, Vol.12, June 1998, pages 591-596	
		SMITH L.E.H. et al. "Inhibition of Retinal Neovascularization With an IGF-1 Receptor Antagonist"	
		SHAFIEE A. et al. "Thrombospondin Peptides Inhibit Angiogenesis in Retina Explant Assay and Rat Model of Retinopathy of Prematurity", Vol. 38, 1997 page S964	
		FOTSIS T. et al. "The Endogenous Oestrogen Metabolite 2-Methoxyoestradiol Inhibits Angiogenesis and Suppresses Tumor Growth", Nature, Vol. 368, 1994, pages 237-239	
		OIKAWA et al. "Three Novel Synthetic Retinoids, RE 80, AM580 and AM80, all Exhibit Anti-Angiogenic Activity in Vivo", European Journal of Pharmacology, Vol. 249, 1993, pages 113-116	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) Sheet 1 of 2				Complete if Known	
				Application Number	10/090,983
				Filing Date	March 4, 2002
				First Named Inventor	MANNING JR., WILLIAM C.
				Art Unit	1632
				Examiner Name	BERTOGLIO, VALARIE E.
				Attorney Docket Number	BERK-010DIV

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
		5,641,749		06-24-1997	Qiao Yan et al,	
		5,792,845		08-11-1998	Judith Folkman et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials'	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		WO 00/15822	03-23-2000	Jacques J Janssen		
		WO 00/01815	01-13-2000	Nikolaj Blom		
		WO 95/26409	10-05-1995	Marc Abitbol		
		WO 99/45952	09-16-1999	Genentech Inc.		
		WO 99/16889	04-08-1999	Mark Bolanowski		
		WO 98/51323	11-19-1998	Ingrid Stuman		
		WO 00/54813	09-21-2000	Chiron Corporation		
		WO 00/71582	11-30-2000	Human Genome Sciences		
		WO 99/36511	07-22-1999	Chiron Corporation		
		WO 99/66959	12-29-1999	Selective Genetics, Inc.		
		EP 407,122	01-09-1991	Repligen Corp.		
		WO 98/13071	04-02-1998	Richard Kendall		
		JP 11100327	04-13-1999	Toray Ind. Inc.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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DATE: November 4, 2003



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THE EXPRESS MAIL NUMBER OF THE DAY IS: EV333998653US

The person taking the Express Mail to the Post Office is: Alicia Silvestrini

EXPRESS MAIL CERTIFICATION

Date of Deposit: 11/04/2003 I hereby certify that the below-listed papers or fees were inserted into a package addressed to: Commissioner for Patents, PO BOX 1450, Alexandria, Virginia 22313-1450 and was deposited by me with the United States Postal Service "Express Mail Post Office Addressee" service under 37 C.F.R. § 1.10 on the date indicated above.

Signature A Silvestrini

Date 11/4/03

Atty. Docket No.	Serial Number	Description	Atty.	Fee
BERK-010DIV	10/090,983	Transmittal, Fee Transmittal <i>in duplicate</i> , IDS, SB08A, Copy of 1449 from Parent	EJB	\$180
CNVG-004US1DIV	09/721,158	Transmittal, Fee Transmittal <i>in duplicate</i> , Petition for a 1 Month Extension of Time, Copy of Revocation of POA. Change of Address as Filed 02/24/03, Restriction Election	CML	\$55
CNVG-006	09/706,307	Transmittal, Amendment	CML	